

REMARKS/ARGUMENTS

Claims 3, 4, 7, 8, 10, 14-17, 19, 20, 23, 24, 27, 28 and 30-36 are pending in this application. Of these pending claims, Claims 3, 4, 7, 8, 10, 14-17, 19, 20, 23, 24, 27, 28 and 30-36 stand rejected. By way of this paper, independent Claims 32-34 have been amended. Also by way of this paper, pending Claims 5 and 25 have been cancelled. No new Claims have been added.

The foregoing amendments and following remarks are believed to be fully responsive to the outstanding office action, and are believed to place the application in condition for allowance.

Claim Rejections – 35 U.S.C. § 103(a)

Claims 3, 4, 7-8, 10, 14-17, 19-20, 23, 24, 27-28 and 30-36 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Garfinkle et al., U.S. Patent No. 6,017,157.

The following remarks, which are particularly addressed to independent claims 32-34, particularly reply to the arguments made by the Examiner in the Response to Arguments section (pages 10-11) of the present Office Action mailed 06/23/09. As the Examiner acknowledges, Garfinkle neither discloses nor teaches an event attended by one or more event hosts and guests or an event profile including separate logins for the event host and guests that grant different levels of access. Notwithstanding the deficiencies of Garfinkle, the Examiner goes on to argue that it would be obvious to have Garfinkle's photographer attend an event to photograph subjects and then to provide the subjects with limited access to order prints from the index of prints as "Garfinkle teaches limited access control and unique accounts and passwords being given for the appropriate parties and that such appropriate parties, *such as those being photographed* would have interest in ordering prints of themselves at the event" (page 11, italics added).

As understood by Applicants, Garfinkle describes a system in which a photographer (i.e., anyone with a camera) takes pictures (film or digital) and brings them to a developer 12 (e.g., a photo lab or camera shop, col 8, lines 38-40) from which they are developed, scanned, and/or uploaded to one or more

image servers (col. 2, lines 60-61). The photographer is then given “selective authorized access” to the images on the server(s) to view, e-mail and download the images, and order prints and other photographic merchandise based on the images.

Although the photographer may take pictures of “subjects”, Garfinkle never allows the photographer to give those being photographed “selective authorized access” directly to the images on the server(s) over the public network. At most, the photographer can request that an index print photograph be (U.S.) mailed to a “specified recipient”, where the index print includes a unique “access code” that the recipient can use to order prints via a telephone call to the image provider.

In this connection, the Examiner appears to allege that the specified recipients access images and place orders via a public network. The Examiner states (p. 10) that Garfinkle discloses that “the client interface to the image server allows the client to view an index print of images the photographer has made available to them with the unique access code (col. 8:1-19, 35-37)”. This statement incorrectly equates “client interface” with the “recipient” or “those being photographed”. The reference in the cited lines is believed to refer to a client-server architecture (e.g., see reference to a client-server architecture in col. 5, lines 5-6 of Garfinkle), where the protocol of looking after the image data (the web server) is separated from the (client) programs that use the image data (the HTML browser interface) - and not to “clients” as being the subjects or customers of the photographer. As noted above, the subjects of the photographer at most receive an index print photograph through the U.S. mail, and then can order prints via a toll-free telephone call to the image provider.

It is Applicants’ position that Garfinkle does not suggest to one of ordinary skill how a photographer and event organizer (i.e., an event host) separately organize the images and make them available to customers via the provider. For instance, referring to page 3, lines 15-34 of the International Application, Applicants’ invention describes a system where the photographer creates an initial event profile including separate logins for the event’s hosts and guests. This enables the photographer to permit different levels of access to the event’s hosts and guests, e.g., where the host (and the photographer), but not the guests, can edit and arrange photos and otherwise prepare them for presentation

(see page 13:2-11 of the International Application). As expressed in the amended claims, “the event host and guests are granted different levels of access to the ordering interface based upon their separate logins”. There is nothing in Garfinkle that would suggest to one of ordinary skill in the art how to modify the disclosed interface to accommodate different levels of access.

The event profile serves another important function besides being a container for data relating to the event. The event profile is also used to create an interface that can bring the event hosts and guests, i.e., the customers of the photographer, into the public network where they can interrelate via a client interface with the server provider. This capability is expressed in the amended claims 32-34 as having the server adapted “to use the event profile to provide an interface over the public network where said customers of the photographer can leave their email addresses before the images are available in order to be notified when the images are ready to be viewed” (see page 3:22-27 and Page 8:4-7 and 30-36 of the International Application). Nothing in Garfinkle would suggest to one of ordinary skill in the art how to modify the disclosed interface to accommodate customers of the photographer in such a manner, in particular customer/recipients who Garfinkle purposefully kept off the public network.

Furthermore, the ordering interface which accommodates the photographer and his customers has been amended to include “a graphical user interface organized in different subsets that are available to different classes of users based upon their level of access, wherein at least one subset of the interface provides access to the editing functions of the imaging profiler that enable the user to select, arrange and caption the images and otherwise prepare them for presentation to event participants and at least one other subset of the interface provides a more limited range of functions excluding said editing functions, instead providing access to image viewing and print ordering functions” (see page 3:5-14, page 3, line 27 - page 4, line 4, and page 14, line 32 - page 15, line 4 of the International Application). Nothing in Garfinkle would suggest to one of ordinary skill in the art how to apportion access to the imaging profiler such that one user can “select, arrange and caption the images and otherwise prepare them for presentation to event participants” while another user is provided a more limited range of functions excluding the editing functions, “instead providing access to image viewing and print ordering functions”.

Furthermore, Nothing in Garfinkle would suggest to one of ordinary skill in the art to configure the "ordering interface ... to notify said customers of the photographer of the availability of the images to be remotely accessed by said customers of said photographer via one or more subsets of the graphical user interface over said public network using a browser..." (see page 2:34-36 of the International Application).

Accordingly, claims 3, 4, 7-8, 10, 14-17, 19-20, 23, 24, 27-28 and 30-36 are believed to be allowable under 35 U.S.C. § 103(a) over Garfinkle et al. for the reasons as expressed above.

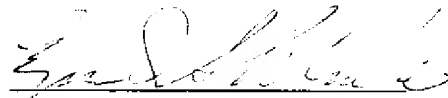
CONCLUSION

It is respectfully submitted that, in view of the above amendments and remarks, this application is now in condition for allowance, prompt notice of which is earnestly solicited.

The Examiner is invited to call the undersigned in the event that a phone interview will expedite prosecution of this application towards allowance.

This Application is now believed to be in condition for favorable reconsideration and early allowance, and such actions are respectfully requested.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.